

Remarks/Arguments

Applicants have received and carefully reviewed the Office Action of the Examiner mailed January 23, 2008. Currently, claims 1-26 remain pending of which claims 12-26 were previously withdrawn from consideration. Claims 1-11 have been rejected. With this paper, claims 1-11 are canceled and new claims 27-42 have been presented to clarify the issues. Favorable consideration of the following remarks is respectfully requested.

Claim Rejections – 35 USC § 103

Claims 1-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pfluger (U.S. Patent No. 6,013,038) in view of Boyle (U.S. Patent No. 6,939,362). After careful review, Applicant must respectfully traverse this rejection. Although new claims 27-42 are superficially similar to the Pfluger reference, the structure and principles of operation are believed to be patentably distinct.

“All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). (MPEP § 2143.03). Nowhere does Pfluger appear to disclose a “a plurality of linear magnetic sections disposed along and parallel to the slot, whereby at least one of the plurality of magnetic sections is attractively magnetically coupled with at least one region of the guidewire”. Furthermore, nowhere Pfluger disclose, “said catheter being generally in contact with at least the bottom surface of the longitudinal slot of the captivation tool”. Additionally, nowhere does Boyle, said to disclose a filter on a guidewire to be used with an angioplasty or stent delivery catheter, appear to remedy the shortcomings of Pfluger. Therefore, Pfluger in view of Boyle does not appear to teach all the claim limitations, as is required to establish a *prima facie* case of obviousness.

Pfluger discloses and claims magnets having *opposed*, paired poles (Figs. 5-7) disposed generally in a C-shape (Figs. 8-9, claim 1) which interact with one or more guidewire or guidewire segments which are specifically limited to ferromagnetic material while the handle of the pending claims contains linear magnets disposed generally parallel to the long axis of the guidewire and said guidewire segments with which the

magnet or magnets interact are not limited to ferromagnetic materials, allowing the use of a variety of strongly paramagnetic materials as the interacting segments. As described, the configurations of Figures 5 or 6 would appear to provide an applied magnetic field acting normal to the long axis of the guidewire thereby tending to move the guidewire toward one pole or the other of the external magnet, however the restraining forces directed along the length wire would be expected to be very low, especially given the length of the ferromagnetic guidewire (36). In the configuration Figure 7, the preferred orientation of the elongated ferromagnetic segments (54) would appear to be transverse to the axis which would tend to twist the segments rather than directly retarding translation to an appreciable extent.

In the pending application, the linear magnets of the captivation tool are disposed parallel to and adjacent to the guidewire segments, having either permanent or induced magnetic dipoles, with which they interact. This configuration is believed to produce paired and parallel segments between the magnets of the captivation tool and the segments of the guidewire which can be linearly displaced only with relative difficulty.

In view of the foregoing, all pending claims are believed to be in a condition for allowance. Reexamination and reconsideration are respectfully requested. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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/glenn m. seager/

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